

12/27/2018

Confidential

Judi Baumann
City of Tempe

Re: City Council Code of Conduct – Allegations of Violations

Ms. Bauman:

I had the opportunity to review the December 14, 2018 memo. While I disagree with the conclusions reached, that is not the focus of my letter. My concern is there are statements in the memo which are simply not correct characterizations of my responses during my in-person interview. Accordingly, my concern is if the incorrect representations of my statements in the report go without correction, it may be considered a tacit admission that I actually said those things in my interview, which I did not.

Of course, I continue to believe that those that come forward should be able to do so anonymously, so I will redact the names. However, an unredacted version is available to you if you would like a copy for clarity. Additionally, I continue to assert the facts, statements, and denials that I previously made as part of the investigation where they were correctly reported.

Additionally, attorney Sarah Barnes, with my permission, audio recorded our conversation. I would request a copy of that recording, or a transcript, for my records so that the truth of the interview can be preserved for the future. If you are not the correct person to make that request to, please let me know and I will request it from whomever is required.

Additionally, I apologize I cannot cite to line numbers in the report. However, I will attempt to take the issues in the order of the document for ease of reference.

Item A1 – Police Report Summary

- In correctly paraphrasing the police report, it is stated that [redacted] asserts I was not permitted by Tempe Prep to be alone with students because I touched a student inappropriately at school. However, the memo fails to mention that in her statement in the police report [redacted] explains this was information she received twice removed. Additionally, the memo fails to mention that Tempe Prep has absolutely no record of this incident in my school file and that it was simply a rumor she was propagating. If I had done as suggested, it would constitute attempted sexual assault against a minor and Tempe Prep would surely have taken formal action, including, but not limited to, contacted the police and filing a complaint with the state board of education. And, for the record, I deny this allegation.

Item A3 – Police Report Summary

- The memo asserts [redacted] told the police I “made a pass” at one of her friends at a social gathering, but this assertion does not actually appear in the police report. And, for the record, I deny this allegation.

- The memo asserts [redacted] told the police we “ate and drank alcohol” while in San Francisco together. The police report actually states we “ate and drank” while in San Francisco. Alcohol is not mentioned. And, for the record, I deny this allegation.

Item C – Granville Interview

- The report states I admitted to “being at their schools” while we were drinking together. I did not say that. In fact, in my interview I denied being at any school while there was drinking, but did admit I was at social gatherings at [redacted] s apartment in Tucson, at an apartment in the Phoenix area, and at [redacted] parents’ home with her family when she and others were drinking. In each instance, I provided no alcohol.
- The report states I failed to deny the sexual assault allegation in my bed, but rather said, “I’m sure that did not happen.” That statement is a denial and it is perplexing why the investigator took it as anything but a denial. I deny the incident took place as alleged.
- The investigator confuses two separate stories and combines them stating “[redacted] left the night from his house because she had been crying throughout the night for no apparent reason; however he then said that he woke up several times in the night and early in the morning, and she was still crying (suggesting he was right next to her).” This gives the appearance of one story I told contradicting another.
 - The correct stories are the following. [redacted] left my house and was never in my bed on the night of the allegation. On a separate occasion several years later, [redacted] requested to spend the night at my house so she wouldn’t be depressed and home alone. I agreed, and [redacted] cried in bed all night, and into the morning.
- The investigator implies that I intentionally hid information regarding [redacted] work on my campaign because I stated in a newspaper interview that I did not recall her working on my 2016 campaign. The truth is there were 100’s of people who were affiliated with my campaign. It was only after reviewing records that I realized that [redacted] made campaign phone calls from Tucson for 3-5 hours and then stopped working on the campaign. It is hardly surprising I wouldn’t recall this until after later reviewing my records.
- The investigator states I denied knowing [redacted] (a UofA student and friend of [redacted]) then promptly changed my story. The truth is the investigator asked me if I knew the person in the allegation, and I told her I did not recall the person. Once she provided me more context it refreshed my memory and I was happy to provide any information requested. It is not surprising I wouldn’t know the person from memory as we spent just a few hours together, in total, approximately four years ago, and haven’t spoken or messaged since.
- The investigator states I denied “hitting on” [redacted] then changed my story. This is also a mis-characterization of my response. Once I remembered who she was talking about, I believe I stated I was interested in talking to [redacted] more, but that [redacted] expressed an interest in dating [redacted] and asked me not to talk to her at all. A request I complied with and told the investigator as much.
- The investigator asserts I admitted to going out a few times with [redacted], but did not remember specifics. I do not recall being asked the level of detail I recalled our meetings during my interview with the investigator. Had she asked, I would have said I remembered we went to coffee. I also remember, at some point, we were walking at the

corner of University and McClintock and stopped for a random TV interview. I would have been happy to answer any questions asked about the details, but was never asked questions about the details, so it is confusing how she came to this conclusion.

- The investigator implies that the quality of my memory changed based on the situation and attempts to characterize this as proof of my deception. However, my imperfect memory makes perfect sense. For example, a person is unlikely to remember having an uneventful dinner with their mother six years earlier, but they are likely to remember that same dinner if their mother slapped them across the table. Accordingly, I have a very clear memory of _____ telling me she was 17 years old, because it was a traumatic and surprising event. However, I have no memory of _____ dropped of a book because it was an otherwise uneventful occurrence. Of course, had there been an attempted kiss, or “holding” of _____ as she alleges, I surely would remember that, and I do not. Accordingly, it is logical that the most I can say is exactly what I have said; I don’t recall the incident at all, I would have remembered the event if it had happened the way she described it, and that it would be out of character for me to have acted in the way she alleges.
- Likewise, the investigator implies that because I cannot remember if I ever stated if _____ was attractive or not, I must be hiding information. The truth is simple. I went out on, what I thought, were four dates with _____. I must have thought she was interesting enough to date. My lack of memory about my statements regarding her attractiveness are irrelevant and presume a rather shallow opinion that attractiveness is my primary motivation for dating a person. And candidly, it is unclear to me the relevance of this information at all, but as with everything else, I’m happy to say what I remember in as great of detail as you would like.
- The investigator states I acknowledged the three females were “very vulnerable and insecure women”. I did not say this and do believe I am qualified to make that assessment about any other person. Rather this is a statement incorrectly attributed to me by the investigator to make it appear that I am acknowledge a predatory nature. In fact, I was never asked to make a character assessment of any of my accusers in my interview and this was simply made up out of whole cloth by the investigator.
- The investigator states I encouraged _____ to break off dating me because she was “too needy.” I don’t recall if I was asked that question in my interview, but I don’t believe I was. The truth is, like all human interactions, my reasoning was multifaceted. Generally speaking, I broke off dating with _____ for the following reasons.
 - I broke off dating _____ because I had concerns about her unhealthy friendship with her mother; her mother controls nearly ever aspect of her life and she is her mother’s best friend and closest confidant. I can explain in greater detail and examples, but out of respect, will not do so here.
 - I broke off dating _____ because, after several months of non-exclusive dating, I became increasingly aware she saw me as a pseudo-authority figure, and not as a peer. This, however, was not apparent within the first several dates. When it was clear, I immediately broke things off.
 - I broke off dating _____ because it became clear to me that she viewed our non-exclusive dating as an idealized fantasy world that was 3/4’s of the way to marriage after just 4-6 dates.

- The investigator asserts I have tended to date younger women. She does this to demonstrate that this is a pattern and practice and, in fact, never asked me questions about my dating history or dating preferences. The truth is, immediately proceeding my time dating _____, I dated a 42-year woman, _____, for almost a year. My “preference” had she asked, is to date women who are still willing to do spontaneous things but also have a strong understanding of their responsibility to others and society as a whole. If the investigator had wanted a summary of the average age of every woman I have dated during my time on Council I would have provided it (and still will, if requested). That said, I fail to understand why it’s anyone’s business the age of the contesting adults that I choose to date.
- The investigator asked me the age of the woman I was in my last serious relationship with, then, in an effort to “pile on” regarding pattern and practice, mentions she was in her late teens/early 20s in her report. My last serious relationship (prior to the woman I am currently engaged to) began in late 2006 and ended in early 2012. We met because we were both on the ASU archery team. I was in law school and she was an undergrad. We dated for 5+ years, lived together for two of them, and I was an integral part of her family and life. We broke up and, last I heard, she has a Ph.D/JD from ASU and is a professor back East...and I wish her all the best. That said, I fail to understand why it is anyone’s business to ask me questions about what contesting adult I have chosen to date, particularly, as it relates to a time from before I was on Council.
- The investigator asserts that I said I believed _____ contacted the school in response to learning about my new girlfriend (now fiancé). That is an over-simplification of my statements. I believe the breakup caused _____ a great deal of pain because it ended her irrational anticipatory expectations of our future, and that seeing me happy in a new relationship amplified that pain. I believe that when a person is in that much pain they will do almost anything they think will help them end their pain. It is my opinion she believed that telling the school would help her lessen her pain by lessening the “risk” to others of dating me. (even though I was already in a relationship with someone else, as she knew) As such, she wanted me fired from the school and removed from Council.
- The investigator incorrectly states that I stated I was aware of the rules of the Code of Conduct at the time of my actions. I believe what I actually stated was that I was generally aware (or assumed) that there were HR rules of some kind, but that I did not become intimately aware of them until my first Code of Conduct hearing years after the events.
- The investigator implies that I was concerned about dating or interacting with these young women in an effort, seemingly, to make me appear that I knew what I was doing was wrong. This is an incorrect paraphrasing of my statements to her. I had no concerns about my interactions with _____. I knew her, and her family, and we all interacted as ongoing friends for years. I had no concerns about dating _____ because I believed she was a graduate student in her mid to late 20’s at ASU. My concern occurred only when I found out her age. I did have concerns about dating _____, not because I believed I was doing anything illegal or improper. The concern was that, given our age difference, our dating would become an object of ridicule on social media and that, as an at-will employee, that public exposure would force Tempe Prep to fire me to maintain their enrollment numbers.

- The investigator states “although he claims there were no allegations of grooming...”. In fact, there were no allegations of grooming, either by Tempe Prep, or by the police. None. None of the women allege I taught them or had a single extended interaction with them when they were students at Tempe Prep. This is simply a half truth put in by the investigator to frame a narrative. It’s a bit akin to the question of “when did you stop beating your wife?” If you answer “that never happened” you can now put in the report, “although the respondent claims to have never beat his wife...” It is a simple, and old attorney technique to create bias and framing.
- The investigator uses my admission that I have made some “bad life choices” to imply guilt. A recap of my life over the last year. I was fired from my job and unemployed for 9 months costing me \$30,000 in savings. I have incurred extensive legal fees. I have been publicly ridiculed in every major media outlet and daily on several social media pages. I have been called a pedophile repeatedly and publicly. I have been physically threatened in the parking lot, had my house egged, and my car keyed. I now own a gun and keep a baseball bat in my car. I faced criminal charges. Because of all of the bad press (even if cleared), I will never again get to teach, a job that I truly love and am good at. It will be more than a year for me to pull myself out of my current new debts. All of these things would not have happened, but for some non-exclusive dates with . Accordingly, going out on non-exclusive dates with was a “bad life choice”. That does not, however mean that it was an illegal choice, or in violation of any education, state bar, or city related code of conduct.
- I do not believe I ever “self-proclaimed” in the interview I was a “good guy” and believe the investigator is simply trying to create the implication of a smugness in my tone. I would assess myself simply as a person. With all the good and bad of all people. And, like all people, I just do the best I know, and learn as I go.

Item D – TPA Emails

- The investigator appears to reference, and rely in part, on the conclusions of Tempe Prep, while simultaneously admitting she is unaware of the extent of their investigation except to acknowledge that the firing happened immediately. There is a great deal surrounding that firing that she is unaware of and did not ask me regarding.
- The investigator implies that my lack of clear explanation as to how a Tempe Prep 8th grader received a follow request on Instagram shows that I was continuing the alleged behavior even after termination. My actual answer in my interview was that I didn’t know how that “specific” unnamed person got the follow request. Multiple people have had access to my various social media accounts at various times. Their job is to assist in my social media interactions. This involves “Liking”, “Hearting”, or commenting on posts on my behalf. In the case of Instagram, this involves “Following” or commenting on sometimes 100’s of new people a day, in an effort to have them follow me in return and boost my following numbers. This is a common Instagram technique to increase followers and something that both I, and those who assist me, have done. Accordingly, while I don’t know the specific way a specific person got a follow request, I certainly know the process by which it would happen, and was happy to tell the investigator as much, had she simply taken the time to ask in greater detail.

Recommendations

- The investigator states that there were allegations that Granville “could not unequivocally deny but could only say he does not remember it happening or that he is sure that he would not have done that, as it would be out of character.” The investigator attempts to use this statement to imply guilt by asking me to prove the negative. To be clear, I deny the allegations because I have no memory of them happening, and because if they had happened as described, I would have a memory of them happening. I deny the allegations because I would not have done the things as described because they are out of character.

Of course, I am available and happy to talk more, or to do follow-up interviews to clear up the many factual errors about my responses in the investigator’s report.

Kolby Granville

A handwritten signature in dark ink, appearing to be 'K. Granville', with a long horizontal stroke extending to the right.